

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

MARTIN LEIB,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:10-CV-396
	)	(VARLAN/GUYTON)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation entered by United States Magistrate Judge H. Bruce Guyton on October 17, 2011 [Doc. 28]. There have been no timely objections to the Report and Recommendation and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

In the Report and Recommendation, the magistrate judge finds that the Administrative Law Judge did not comply with the treating physician rule as incorporated in 20 C.F.R §§ 404.1527 and 416.927 and therefore recommends that plaintiff's Motion for Summary Judgment [Doc. 13] be granted and that the Commissioner's Motion for Summary Judgment [Doc. 23] be denied. The Court has carefully reviewed this matter, including the underlying motions and the complaint. The Court is in agreement with the magistrate judge's recommendation, which the Court adopts and incorporates into its ruling. Accordingly, the Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 28]. Additionally,

it is hereby **ORDERED** that plaintiff's Motion for Summary Judgment [Doc. 13] is **GRANTED** and the Commissioner's Motion for Summary Judgment [Doc. 23] is **DENIED**. This case is **REMANDED** to the Commissioner for further analysis consistent with this order and the magistrate judge's Report and Recommendation.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Patricia L. McNutt  
CLERK OF COURT